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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/980,062   | 05/10/2002  | A Satyanarayan Naidu | 50046290-0007       | 9560             |
| 24982  | 7590        | 01/07/2005           | EXAMINER            |                  |
| KENNETH J. HOVET<br>NORDMAN, CORMANY, HAIR & COMPTON<br>P.O. BOX 9100<br>1000 TOWN CENTER DRIVE<br>OXNARD, CA 93031-9100 |             |                      | RUSSEL, JEFFREY B   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 1654                |                  |

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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|--------------------------------|-------------|---|---------------------|
| APPLICATION NO/<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|--------------------------------|-------------|---|---------------------|

09/980,062

EXAMINER

|          |       |
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| ART UNIT | PAPER |
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20041202

DATE MAILED:

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Commissioner for Patents

See attachment.



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**Failure to Acceptably Respond to  
Notice of Non-Compliant Amendment (37 CFR 1.121)**  
**No New Time Period for Reply is Provided**

The amendment document filed on 9/27/04 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 9/2/04. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other: The amendments to the specification and claims were not submitted in proper format.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See attachment.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officever.pdf>.

Sam Burns  
Supervisory Legal Instruments Examiner (SLIE)

571-272-0513  
Telephone No.

Application/Control Number: 09/980,062  
Art Unit: 1654

Page 2

1. The following errors in amendment format are noted:

With respect to the amendments to the paragraph at page 10, lines 19-22, of the specification, at line 5 of the paragraph, "heparan" was changed to "heparin" without marking as required by 37 CFR 1.121(b)(1)(ii). With respect to the amendment to the paragraph at page 10, line 35 to page 11, line 3, line 3 of the paragraph, the comma after "carrageenan" was changed to a semicolon without marking as required by 37 CFR 1.121(b)(1)(ii).

With respect to the amendments to the claims, numerous changes were made to the claims without appropriate marking with strike-through and bracketing as required by 37 CFR 1.121(c)(2). The following unmarked or improperly marked changes have been found by the examiner: At claim 10, line 3, the "%" symbol was omitted from after "1". At claim 19, line 3, a comma is shown as being deleted from after "nucleotide"; however, no comma was present at that position in the version of the claim contained in the amendment filed November 3, 2003. At claim 20, line 2, "substrate" was omitted from after "occurring". At claim 20, line 4, a comma is shown as being deleted from after "triphosphate"; however, no comma was present at that position in the version of the claim contained in the amendment filed November 3, 2003. At claim 104, line 2, "gelatin," was omitted without marking. At claim 187, lines 5 and 6, commas were omitted from after "kentucky" and "rostock", respectively. The claims should be carefully reviewed by Applicant to ensure that no other errors in the amendment format are present. All strike-through and bracketing should be based upon the text of the claims in the amendment filed November 3, 2003.

2. With respect to the amendments proposed in the reply filed September 27, 2004, the following errors are also noted, and Applicants may wish to correct them in their next response:

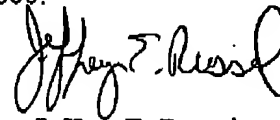
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In the amendment to the paragraph at page 10, lines 19-22, line 3 of the paragraph, the comma after "nucleotides" should be deleted. In the amendment to the paragraph at page 12, lines 2-24, line 12 of the paragraph, the period before "A second way" should be deleted. At claim 103, line 2, it is likely that the word "not" should be inserted before the phrase "including gelatin". At claim 187, line 14, "pneurnophila" should probably be "pneumophila".

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Bruce Campell can be reached at (571) 272-0974. The fax number for formal communications to be entered into the record is (703) 872-9306; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.



Jeffrey E. Russel  
Primary Patent Examiner  
Art Unit 1654

JRussel  
January 6, 2005